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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 07-0568 MHP
)	
Plaintiff,)	
)	
v.)	PARTIES' JOINT REQUEST TO CONTINUE
)	STATUS HEARING DATE AND [PROPOSED]
MARK JACOBSON,)	ORDER
)	
Defendant.)	

It is hereby stipulated by and between counsel for the United States, Assistant U.S. Attorney Kyle F. Waldinger, and counsel for defendant Mark Jacobson, Thomas F. Carlucci, that, subject to the Court's approval, the status hearing presently set for September 5, 2012, be continued and set for a status hearing on January 23, 2013, at 2:30 p.m. The United States has learned from the Court's publicly posted availability information that the Court is available on that date.

The defendant Mark Jacobson pled guilty pursuant to a plea agreement on September 24, 2007, to one count of conspiracy to misappropriate, receive, possess, and transmit trade secrets, gain unauthorized access to a protected computer, exceed authorized access to a protected computer, and traffic in a password allowing unauthorized access to a protected computer, in violation of 18 U.S.C. §§ 1832(a)(5) and 371. The case was referred to the

JOINT REQ. & [PROPOSED] ORDER
CR 07-0568 EMC

1 Probation Office for a presentence report. The plea agreement also includes standard terms of
2 cooperation.

3 In light of continuing cooperation under the terms of the plea agreement, the parties
4 jointly request that the status hearing on September 5, 2012, be continued for a status hearing on
5 January 23, 2013, at 2:30 p.m. Additional time is needed for the defendant to complete his
6 cooperation with the government, and, accordingly, this matter is not yet ready to proceed to
7 sentencing. Specifically, charges have been filed against an alleged co-conspirator of the
8 defendant, David Nosal. The Nosal case is numbered CR 08-0237 EMC. The Nosal case has
9 been on appeal. Earlier this month, the mandate of the Ninth Circuit issued, and the parties in the
10 Nosal case are scheduled to appear for a status conference on August 29, 2012. The United
11 States anticipates that a trial date will be set at that time, or shortly thereafter. The defendant
12 Jacobson is expected to testify in that trial. Because Mr. Jacobson will be required to testify at
13 trial, his cooperation with the government's investigation is not yet complete.

14 For all of these reasons, the parties jointly request that this Court vacate the status hearing
15 presently set for September 5, 2012, and set a status hearing for January 23, 2013, at 2:30 p.m.
16 SO STIPULATED.

17 Dated: August 13, 2012

MELINDA HAAG
United States Attorney

18
19 /s/
20 KYLE F. WALDINGER
21 Assistant United States Attorney

22
23 Dated: August 13, 2012

/s/
24 THOMAS F. CARLUCCI
25 Attorney for defendant Mark Jacobson

26 ~~[PROPOSED]~~ ORDER

27 GOOD CAUSE APPEARING,

28 IT IS ORDERED that the status hearing presently set for September 5, 2012, is vacated.

1 The parties are ordered to appear for a status hearing on January 23, 2013, at 2:30 p.m.

2
3 Dated this 13th day of August, 2012

